

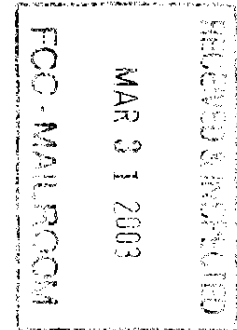


DOCKET FILE COPY ORIGINAL  
Federal Communications Commission  
Washington, D.C. 10554

CYC 203

March 27, 2003

Clyde Scott, Jr.  
EME Communications  
293 JC Saunders Road  
Moultn, Georgia 31768



Dear Mr. Scott:

This is in response to the request you filed on behalf of Powerline NA, Inc. for the allotment of Channel 246A at DuPont, Georgia, as the community's first local aural transmission service.

Your request is procedurally and technically defective and unacceptable for consideration at this time. First, you provide a technical statement showing that Station WKQW in Jacksonville, Florida, and Station WFXF in Bainbridge, Georgia, are operating at less than full Class C facilities and propose that they be downgraded to Class CO facilities to meet spacing requirements. However, the reclassification of the stations would not cure the short-spacings because Station WFXF now has an application pending (File No. BPH-20030225ABH) to modify its antenna to 474 meters HAAT which would meet the minimum requirement for a Class C facility.

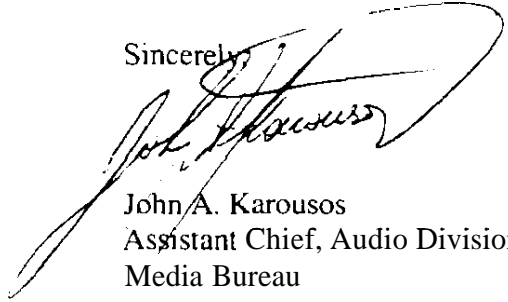
Second, in order for the Commission to consider your request, you must file a petition to institute a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. The petition for rule making must include a technical showing to demonstrate that the proposal is consistent with Sections 73.207(b)(1) and 73.315 of the Commission's Rules.

Third, Section 1.52 of the Commission's Rules, requires that the original of any document filed with the Commission by a party not represented by counsel be signed and verified by the party and his/her address stated. If represented by counsel, it must be signed by at least one counsel of record in his individual name. In the absence of such filing, a pleading may be returned as unacceptable. Section 1.401(b) of the Rules concerning rule making proceedings places petitioners on notice that their proposals must conform with the requirements of Section 1.52 regarding subscription and verification. See *also Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes*, 5 FCC Rcd 3911, 3919, n.41 (1990).

Lastly, in accordance with the requirements of Section 1.420 of the Commission's Rules, a signed original and four copies of each petition for rule making must be filed with the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., TW-A325, Washington, D.C. 20554.

For the reasons stated above, we are returning your petition for **rule** making. **If** you wish to pursue your proposal, you may resubmit it in accordance with the requirements of Sections 1.52, 1.420, 73.207(b)(1) and 73.315 of the Commission's Rules.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", is written over the word "Sincerely,".

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

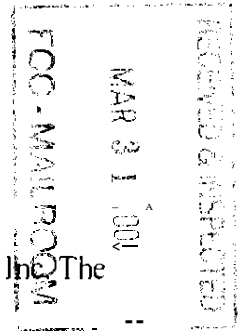
Enclosures



Powerline NA, Inc.  
Du Pont, Georgia  
Channel 246A  
January -2003

JAN 15 2003

FCC - MAILROOM



### Technical Statement:

The Following technical exhibit and statement has been prepared on behalf of Powerline N G Inc. The purpose is a proposed rule making to allot channel 246A to Du Pont, Georgia.

#### Proposed City:

Du Pont, Georgia presently does not employee any local service. This proposal **will** offer first local service to Du Pont. The city is located in Clinch county, Georgia, is an incorporated city with a fully active city government. According to the 2000 Census data. The population of Du Pont is 139 persons. Du Pont has it's own elected mayor and city council members as well as it own US Post Office (31630) and many businesses and houses of worship.

#### Technical Spacing Concerns:

Exhibit-1 is a spacing study from the proposed site. This exhibit shows short spacings to stations WKQL, Jacksonville, Florida and WFXF, Bainbridge, Georgia. Since both of these facilities are below the minimum for a full class C facility, this action proposes to down class both WKQL and WFXF from class C to CO. Offered, as exhibit-2, is a spacing study that shows the clear area once WKQL and WFXF are reclassified as CO facilities.

#### Proposed Site:

Exhibit-3 is a plot showing the 70dBu Contour and the city of Du Pont. This exhibit clearly shows the entire city **will** be encompassed by the 70dBu contour

#### Line-of-Site Study:

Exhibit-4 is a LOS plot showing the proposed city of license, Du Pont, and the proposed site. This exhibit is offered to show the Commissions staff there are no terrain concerns horn the proposed site and the proposed city of license.

#### Persons Gained/Loss:

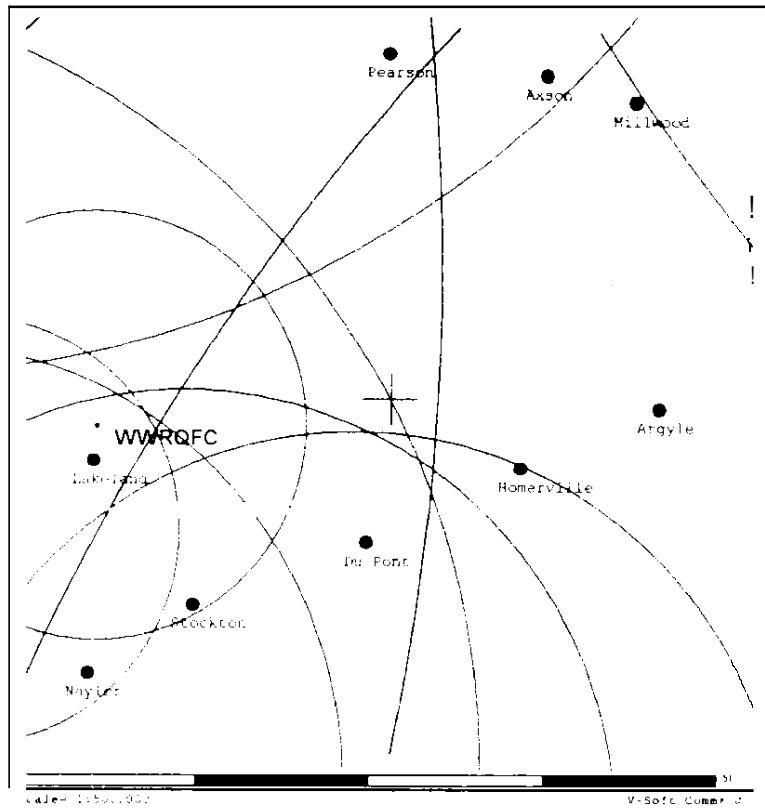
Total persons gained by proposal is 18,453 persons. Exhibit-5 is a visual plot showing the proposed 1.0 mV/M (60dBu) contour, the population and area within that contour. This exhibit clearly shows that the public interest would be better served by granting this proposal by adding new service to 18,453 persons.

EXHIBIT - 1  
SPACING STUDY WITHOUT CO DOWN CLASS

FMCONT™ LOCATE STUDY

Ch 246 A  
97.1 MHz

N. Lat. 31 04 48  
W. Lng. 82 51 05



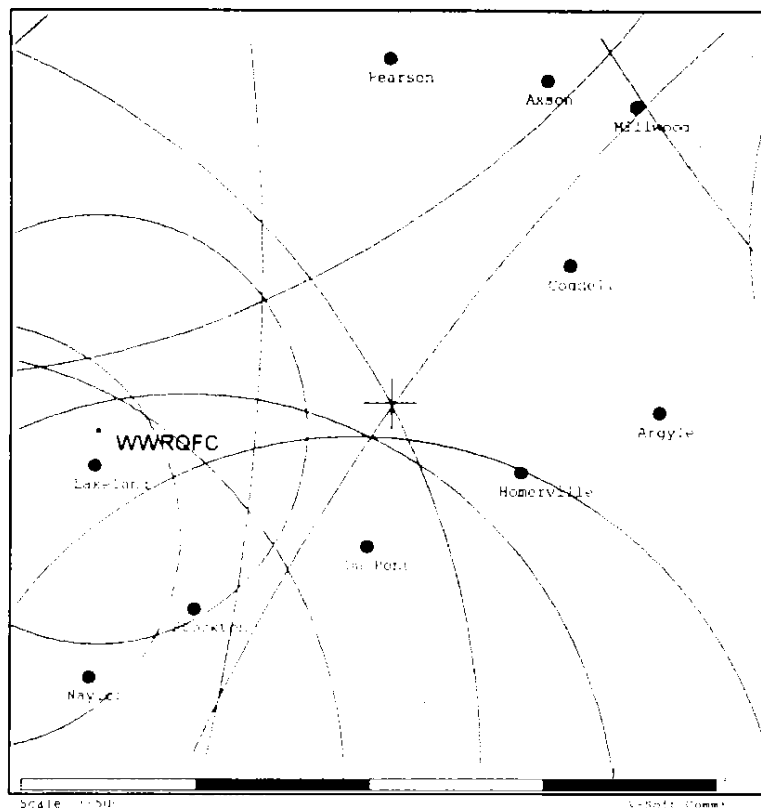
Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
WKQL	245C*-	LIC	Jacksonville	FL 152.13	125.7	165.0	-12.87
WFXF	247C*-	LIC	Bainbridge	GA 161.65	273.3	165.0	-3.35
WYZK.C	244C2-	CP	Valdosta	GA 55.08	241.7	55.0	0.08
WHLJ	248A -	LIC	Statenville	GA 33.39	184.5	31.0	2.39
WHLJ.A	248A -	APP	Statenville	GA 33.16	205.9	31.0	2.76
WWRQFC	300C2-	CP	Valdosta	GA 21.19	264.9	15.0	6.19
WRDO	245A -	LIC	Fitzgerald	GA 82.40	333.3	72.0	10.40
WYZK	744A -	LIC	Valdosta	GA 43.73	231.8	31.0	12.73
ALLO.V	300C2-	VAC	Valdosta	GA 31.57	252.9	15.0	16.57
WWUF	249A -	LIC	Waycross	GA 57.90	78.2	31.0	26.90
WAEV	247C0-	LIC	Savannah	GA 178.98	52.7	152.0	26.98
WKAA.C	249A -	CP	Ccilla	GA 67.62	317.5	31.0	36.62
WKAA	249A -	LIC	Ccilla	GA 67.66	317.4	31.0	36.66
WWRQFM	300C3-	LIC	Valdosta	GA 50.57	237.7	12.0	38.57
WSKYFM	247C2-	LIC	Micanopy	FL 163.00	170.5	106.0	57.00

EXHIBIT - 2  
SPACING STUDY WITH WKQL AND WFXF AS CLASS C0

FMCONT™ LOCATE STUDY

Ch 246 A  
97.1 MHz

N. Lat. 31 04 48  
W. Lng. 82 51 05



Call	CH#	Type	Location.	D-KM	Azi	FCC	Margin
WYZK.C	244C2-	CF	Valdosta	GA 55.08	241.7	55.0	0.08
WKQL	245C0-	LIC	Jacksonville	FL 152.13	125.7	152.0	0.13
WHLJ	248A -	LIC	Statenville	GA 33.39	184.5	31.0	2.39
WHLJ.A	248A -	PPP	Statenville	GA 33.76	205.9	31.0	2.76
WWRQFC	300C2-	CP	Valdosta	GA 21.14	264.9	15.0	6.19
WFXF	247C0-	LIC	Bainbridge	GA 161.65	273.3	152.0	9.65
WRDO	245A -	LIC	Fitzgerald	GA 62.40	333.3	72.C	10.40
WYZK	244A -	LIC	Valdosta	GA 43.73	231.8	31.C	12.73
ALLO.V	300C2-	VAC	Valdosta	GA 31.57	232.9	15.0	16.57
WWUF	249A -	LIC	Waycross	GA 57.90	78.2	31.0	26.90
WAEV	247C0-	LIC	Savannah	GA 178.98	52.7	152.0	26.98
WKAA.C	249A -	CP	Ocilla	GA 67.62	317.5	31.0	36.62
WKAA	249A -	LIC	Ocilla	GA 67.66	317.4	31.0	36.66
WWRQFM	300C3-	LIC	Valdosta	GA 50.57	237.7	12.0	38.57
WSKYFM	247C2-	LIC	Micanopy	FL 163.00	170.5	106.0	57.00

**PROPOSED**  
Latitude: 31-04-48 N  
Longitude: 082-51-05 W  
ERP: 6.00 kW  
Channel: 246  
Frequency: 97.1 MHz  
AMSL Height: 159.19 m  
Elevation: 61.25 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: FCC

**EXHIBIT - 3**

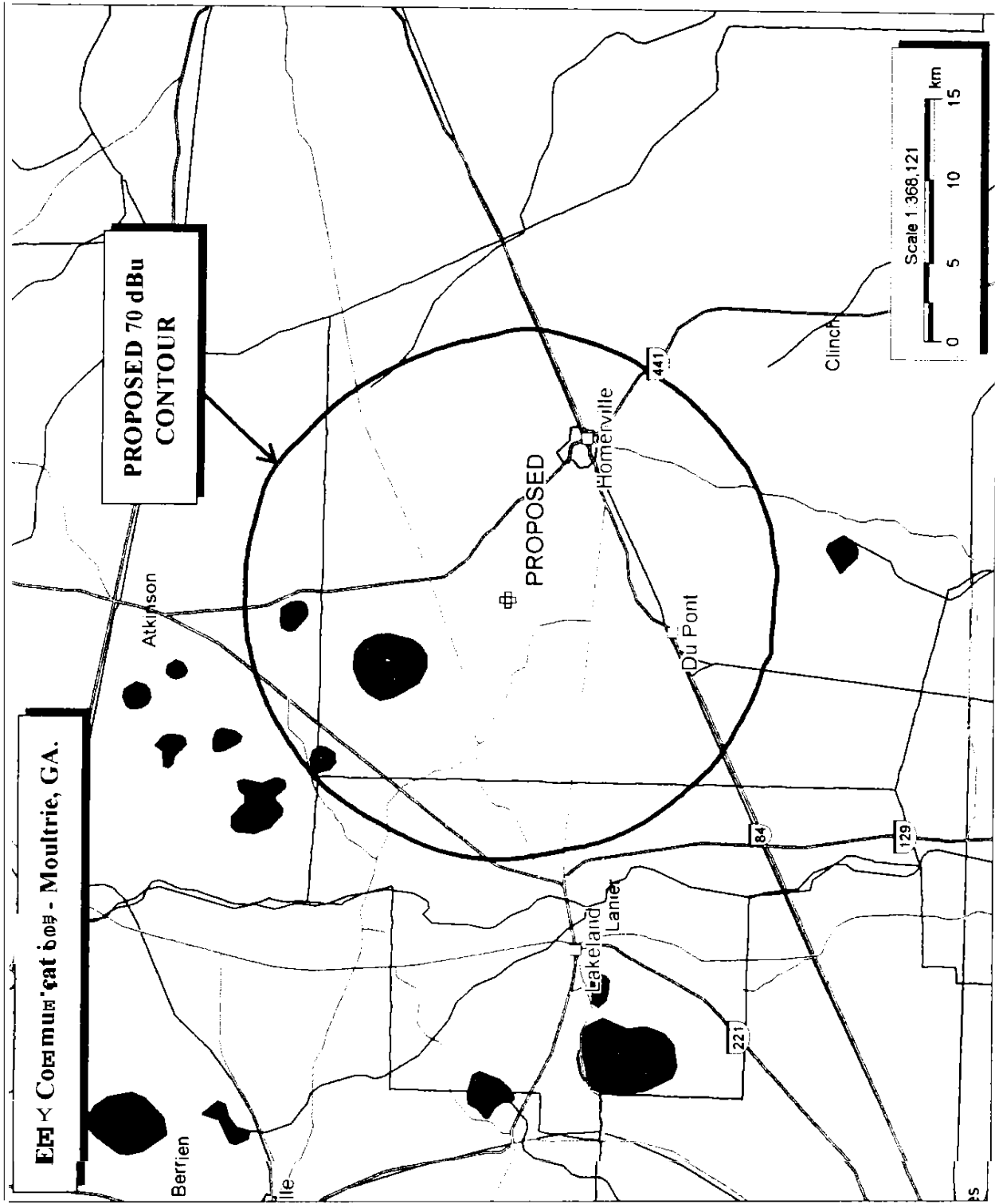
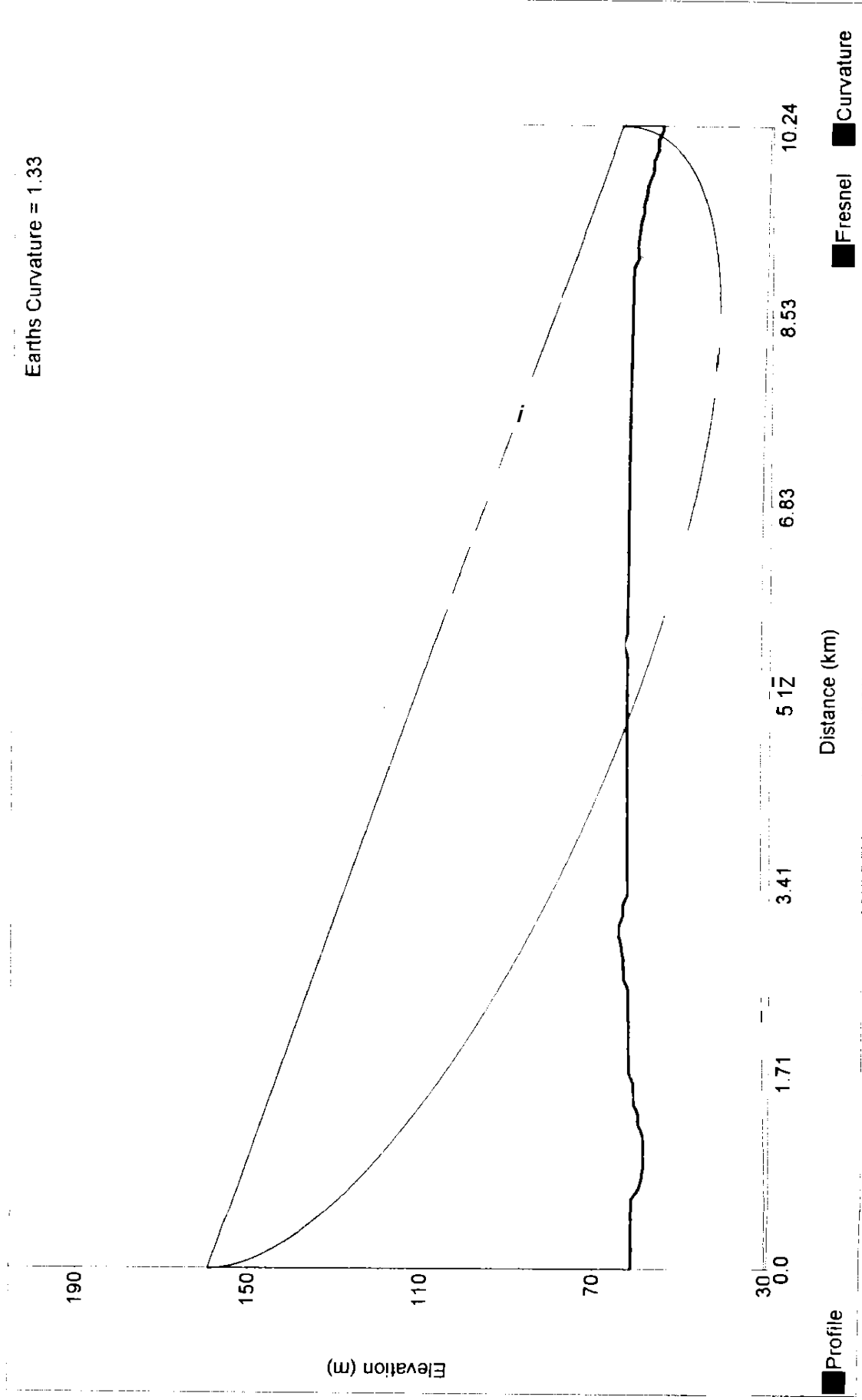


EXHIBIT-4

Earth's Curvature = 1.33



Starting Latitude: 31-04-48 N

Starting Longitude: 082-51-05 W

End Latitude: 30-59-22 N

End Longitude: 082-52-21 22 W

Distance: 10.24 km

Bearing: 191.39 deg

Transmitter Height (AG) = 97.9 m

Receiver Height (AG) = 9.1 m

Transmitter Elevation = 61.2 m

Receiver Elevation = 55.0 m

Frequency = 97.1 MHz

Fresnel Zone: 0.6

**PROPOSED**

Latitude 31-04-48 N

Longitude 082-51-05 W

ERP 600 kW

Channel 246

Frequency: 97.1 MHz

AMSL Height: 159.19 m

Elevation: 61.25 m

Horiz. Pattern: Omni

Vert. Pattern: No

Prop Model: FCC

**EXHIBIT-5**

